

*Ward by Hon. William Mwangi
Chairperson, Tourism Committee
on Tuesday 18th July 2022
at 11:38 a.m.*

COUNTY GOVERNMENT OF TAITA TAVETA



COUNTY ASSEMBLY OF TAITA TAVETA

THIRD ASSEMBLY - SECOND SESSION

REPORT OF THE COMMITTEE ON TOURISM

ON 2022, WORLD WAR ONE (WW1) FUND UTILIZATION

JULY, 2023

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LIST OF ABBREVIATIONS AND ACRONYMS

EACC – Ethics and Anti-Corruption Commission

PFM – Public Finance Management

CoK -Constitution of Kenya

MCA -Member of County Assembly

PREFACE

ESTABLISHMENT AND MANDATE OF THE COMMITTEE

Mr. Speaker, Sir, the Committee on Tourism is one of the Sectoral Committee constituted on 21st December, 2022 pursuant to the provisions of the Taita Taveta County Assembly Standing Order No. 193. Pursuant to Standing Order No. 182 (6) the Committee hereby presents its report on 2022, World War One (WW1) Funds Utilization.

Committee Membership

Mr. Speaker, Sir, Committee Tourism as currently constituted, comprises of the following Members;

- | | | |
|----|---------------------------------------|-------------------------|
| 1. | Hon. Lillian Mwangoi, MCA | Chairperson |
| 2. | Hon. Rose Sariki, MCA | Vice-Chairperson |
| 3. | Hon. Azhar Din, MCA | Member |
| 4. | Hon. Jimmy Mwamidi, MCA | Member |
| 5. | Hon. Margaret Kawuki, MCA | Member |
| 6. | Hon. Daniel Kimuyu, MCA | Member |
| 7. | Hon. Peter Shambi, MCA | Member |
| 8. | Hon. Constance Mwandawiro, MCA | Member |
| 9. | Hon. Jones Solomon, MCA | Member |

COMMITTEE SECRETARIAT

1. Mr. Fredrick Mwabili – Deputy Clerk
2. Mr. Renson Mambaria – Principal Internal Auditor
3. Ms. Millicent Kilonzo – Committee Clerk
4. Ms. Kerine Mzae – Hansard Officer
5. Mr. Robert Mwaisaka – Searjeant -at - arms

Committee Mandate

The Committee Tourism is mandated to carry out;

- (a) All matters related to local tourism

The Committee pursuant to the provisions of Standing Order No. 193 (5) is further mandated to;

- (a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- (b) Study the programme and policy objectives of departments and the effectiveness of the implementation;
- (c) Study and review all County legislation referred to it;
- (d) Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (e) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- (f) Vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 187 (*Committee on Appointments*) ; and
- (g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.


1.0 CHAPTER ONE: INTRODUCTION

ACKNOWLEDGEMENT

Mr. Speaker, Sir, on behalf of the Committee, I take this opportunity to sincerely thank the Members of Committee, the office of the Speaker and Clerk for their valuable contributions and facilitation during the deliberations that culminated to this report.

Mr. Speaker, Sir, it is therefore my pleasant undertaking, on behalf of the Committee to table this report in this House and recommend it for adoption.

Thank you, Mr. Speaker.

SIGNATURE..........DATE 18/7/2023

HON. LILIAN MWANGOI, MCA/CHAIRPERSON

COMMITTEE ON TOURIS

1.1: Background

On 1st March, 2023 a statement on utilization of funds on World War 1 Commemoration event which took place in November 2022, was sought in the House which required information on; Names of officers involved in the preparation and execution of the event, the economic or other value that the event has brought to our people and what was the total expenditure including reimbursements and supplies to the event.

The committee wrote to the department of Trade, Tourism, Cooperative Development and Industrialization to respond to the statement and submit their response.

On 14th March, 2023 the committee held a meeting to review the response and having reviewed the response, Members found it insufficient and thereafter deliberated and agreed to request the department to avail the following information by 20th March, 2023.

- i. Evidence of the contracted event management Company and proof of payment,
- ii. Payment Vouchers with all supporting documents for payment of media coverage team, security and ushers, exhibitors and participants to Voi Catholic Grounds and Voi Wildlife Lodge, printing of T-shirts and Publishing the event, fuel, Event Advertising, Documentary , plaque and metallic flag posts and Departmental Exhibition materials,
- iii. Payment vouchers with all supporting documents for payment of Committee allowances and Maktau Community,
- iv. Payment vouchers with all supporting documents for Pre-Event Preparation cost

On 7th of June, 2023 the Committee reviewed the response and again found it insufficient and thereafter requested for the following information;

- i. Cabinet resolution to undertake WWI Commemoration Event,
- ii. Approved Budget with specific vote line for the WWI Commemoration event,
- iii. Quotations for Goods and Services,
- iv. Imprest warrants amounting to Kshs. 4,048,337 budgeted for the event,
- v. Written MOU/ Partnership agreement already signed as a result of the WWI event,
- vi. Deliver notes, S13, S11 and Distribution lists for goods procured,
- vii. Signed Hotel attendance lists for participants who per took the meals.

Members of the Tourism Committee agreed to invite the WW1 commemoration committee on 13th June, 2023 for hearing on the WW1 funds utilization which invitation was not honored by some members . This

however led the Tourism Committee to summon the WW1 Commemoration event committee members on the same on Tuesday, 20th June 2023 and 27th June, 2023 for further deliberations.

1.2: Objectives

The main Committee objectives to Investigate, inquire into, and report on all matters relating to the, activities, administration and utilization of funds on world war one (WWI) commemoration event.

2.0: CHAPTER TWO: COMMITTEE'S METHODOLOGY/APPROACH.

In carrying out its mandate, the Committee on Tourism took the following approach;

2.1: Committee's Proceedings

The Committee held 5 sittings to deliberate on the utilization of funds for the 2022 World War one (WW1) Commemoration event in the County.

2.2: Deliberative Session

The Committee held three (3) deliberative sessions with the World War one (WW1) Commemoration event committee, CECM and CCO Finance and Economic Planning, the County Chief of Staff, County Attorney and Ag. County Human Resource Director.

3.0: CHAPTER THREE: COMMITTEE FINDINGS

This section contains findings on the utilization of funds in the 2022 World War one (WW1) Commemoration event.

The following are the Committee findings;

Concerning the names of officers involved in the planning and execution of the event the Department responded as follows:

That the World War I (WWI) Commemoration Committee comprised of the following members;

- i. Ag. CECM Trade, Tourism, Cooperative Development and Industrialization – Mrs. Gloria Monikombo
- ii. CECM Youth, Gender, Sports, Culture and Social Services – Mr. Shedrack Mutungi
- iii. CCO Finance and Economic Planning – Mr. Leonard Langat
- iv. CCO Tourism – Ms. Christine Mwakera
- v. Ag. CCO Public Works and Transport – Mr. Albert Mwatiriri
- vi. Director Tourism – Mr. Brian Lewela
- vii. Economic Advisor – Mr. Thomas Jumwa

And a team of 10 members – Secretariat drawn from each Department, including a special team of professionals appointed by H.E the Governor.

On the Economic or other value that the event has brought to our people the Department responded as follows:

That the Economic Benefits brought by the WW1 event were -;

- i. The event created a world awareness of the WWI 1914-1918 battle field that started in Taita Taveta County,
- ii. The event promoted Kenya, Taita Taveta County in particular as a battle field tourism destination,
- iii. The event facilitated financial empowerment to the community members through battle field tourism activities e.g.
 - Performance of cultural dances at the sites of which the visitors will pay to watch the dances,
 - Created jobs opportunities such as local tour guides , local tour drivers to take the visitors to and from the sites,

- Created business opportunities e.g. hiring of Motor Vehicles
- iv. The interaction between the visitors, community and the administration can yield other advantages e.g. upgrade of our facilities like the Maktau Health Facility,
- v. As a result of the WW1 Commemoration in 2022, the South African High Commissioner and his Delegation will visit the County in March, 2023 with the sole objective of identifying investment and partnership opportunities between our County and the Republic of South Africa.

On what was the total expenditure including reimbursements and supplies to the event the Department responded as follows:

The actual cost of the event was Kshs. 4,048,337.

No	Activity	Amount (Kshs)
i	Event management- Tents, Chairs. Sound System, Red-carpet at Voi Catholic road, Voi Wildlife Lodge, and Maktau Community event	754,400.00
ii	Plaque and 30 metallic flag posts	99,250.00
iii	Printing T-shirts and publishing the event	671,495.00
iv	Fuel	116,460.00
v	Maktau community facilitation	23,000.00
vi	Media Coverage	59,200.00
vii	Security and Ushers	98,000.00
viii	Exhibitors and participants facilitation to Voi Catholic grounds and Voi wildlife Lodge	403,862.00
ix	Event advertising – Roadshow, website and radio talk shows	310,000.00
x	Documentary	107,200.00
xi	Departmental Exhibition materials	200,000.00

xii	Committee Allowances	403,800.00
xiii	Pre-Event Preparations cost	159,600.00
xiv	Catering 24 th /25 th /26 th November,2022- Lunch and Dinner	642,070.00
	TOTAL	4,048,337.00

Specific Findings and Recommendations

1. Event management- Tents, Chairs, Sound System, Red-carpet at Voi Catholic Road, Voi Wildlife Lodge and Maktau Community event

Findings

A sum Kshs. 577,400.00 was used for the payment of event management- Tents, Chairs & tables and sound system during the WWI 2022 Commemoration as tabulated below:

- i. Kshs. 202,400.00 – Pen & Paper Solution and
- ii. Kshs. 375,000.00 – Gracious Tents & Sounds

However; both suppliers are prequalified suppliers under framework contract and thus LSO (Local Service Order) could have been used,

The services rendered are above low value procurement contrary to Section 107 of the public Procurement and Disposal Act, 2015 and Procurement Regulations 2020 under threshold matrix under low value procurement for services with a maximum value of Kshs. 50,000.00.

Pen & Papers solution through telephone conversation acknowledged to have offered services during the WWI event and was paid a total sum of kshs.202, 400.00 vide bank transfer Ref. FT22331TKQ3V of Kshs 172, 400 and kshs 30,000 Via Mpesa Ref. QKO9JSHPMN. However, No delivery note was attached to the payment the receipt did not show the actual site the tents were delivered nor photo of the site where the tents were pitched were attached thus it was not possible to ascertain that the service was actually rendered.

Gracious Tents & Sounds also through telephone conversion acknowledged to have offered services during the WWI event and was paid a sum of kshs.375, 000.00 in cash as follows;

- i. A sum of Kshs. 15,000.00 was paid for delivering sound system at Sarova Hotel without LSO

and delivery note.

- ii. A sum of Kshs. 240,000.00 was paid for delivery of executive washrooms, public toilets, plastic chairs, bouquet chair dressed, executive chairs, dressed tables and line array sound system at Voi Catholic road exhibition after being notified the first supplier failed to deliver as per the expectations of the client request however no LSO and delivery note were attached to the payment.
- iii. A sum of Kshs. 75,000.00 was paid for delivery of exhibition booth at Voi Wildlife Hotel without LSO and delivery note being attached to the payment, and
- iv. A sum of Kshs. 45,000.00 was paid for delivery of exhibition booth at Maktau ground without LSO and delivery note being attached to the payment.

It is worth noting that all payments were done contrary to Section 107 of Public Procurement and Disposal Act 2015 which requires amount under the threshold matrix not to exceed Kshs. 50,000.00 for goods and or services supplied.

Recommendations

The committee further recommends the EACC to expedite its investigation to ascertain who actually provided the services as both suppliers claims to have provided the services to the same venues and both were paid.

The officer who paid the suppliers should be reprimanded and surcharged the amount paid contrary to the provisions of the law as quantities and amount were exaggerated as value for money was not realized.

2. Plaques and 30 metallic flag post

A sum Kshs. 70,760.00 was used for the payment of plaques and 30 Flag metallic posts

The Items were not delivered with delivery notes nor recorded and issued using the S13 and S11 documents.

The plaques and 30 metallic flag post cannot be accounted. i.e. not recorded in stores ledger and cannot be traced physically.

Recommendation

Production of the Plaques and 30 metallic posts for future use failure to which responsible officer to be reprimanded and surcharged.

3. Printing T-shirts and publishing the event, documentary and purchase of departmental exhibition materials

A sum Kshs. 1,066,000.00 was used for the payment of supply and delivery of branded T-shirts and caps and Publishing the event, Documentary and Departmental Exhibition materials.

Findings

- i. A sum of Kshs. 410,000.00 vide invoice no. 883 of 22nd Nov 2022 was said to have been paid to **ELIZABETH MGHOI** for supply of branded T-Shirts and caps. However, Elizabeth Mghoi confirmed through Mpesa statement that she was only paid a sum of **Kshs. 156,000.00** through bank transfer to Mpesa Ref. 9KN6FPXAXA of 23.11.22 an amount of kshs 65,000 and Ref. 9KMOFPL7MA of 22.11.2022 an amount of kshs. 100,000 paid by Thomas Njumwa but she refunded Kshs. 9,000 through Mpesa vide Ref. QKO9GIKYPN upon request.

However, the invoice no. 883 and receipt no. 874 of Kshs. 410,000.00 attached to the surrender did not originate from Elizabeth Mghoi

This was against the PPDA Sec 107 which requires amount under the threshold matrix not to exceed Kshs. 50,000.00 for goods and services supplied and a quotation ought to have been used.

- ii. Mr. Albert Muriuki Kiuru of **AMURTECH PLUS ENTERPRISES** denied to have received payment of Kshs. 335,000.00 for printing of departmental roll up banners and fliers and he is ready to write a letter to that effect.
- iii. **Supplier Maxim Graphics Concepts** denied to have printed and supplied A3, A4 and A5 posters for the WWI event amounting to Kshs. 95,000.00 under receipt no 499. However, the amount is above the threshold matrix of low value goods and no delivery note, S11, S13 and distribution list of posters were attached to this payment.
- iv. **BANANE NORTH EXPLORER'S LTD** confirmed that they supplied teardrops 4pcs, Notebooks 100 pcs, rollup banners 2pcs, Bags A3 size 300 pcs and Branded pens 220 pcs for Kshs. 226,000.00 on 24th of November, 2022. However the paid amount is above the threshold matrix of low value goods and no delivery note, S11, S13 and distribution lists were attached to this payment.

Consequently the validity and authenticity of all amounts in question are in doubt and contrary to Section 107 of the Public Procurement and Disposal Act 2015 and its Regulation 2020.

Recommendation

The officers responsible should account for the funds failure to which individuals should be surcharged for misuse of public resources.

The EACC should further investigate the forgery case of receipts/invoice and bring those responsible to book for forgery and misappropriation of public resources.

4. Fuel

The cost of fuel amounting to Kshs. 116,460 was not supported as no receipts, work tickets and the registration numbers of the vehicles which were fueled and the schedule of area visited were not availed to the committee for review.

Recommendation

The officers responsible should account for the fuel amounting to Kshs. 116,460 failure to which they should be reprimanded and surcharged.

5. Media coverage and Event Advertising – Roadshow, Website and radio talk show

A sum **Kshs.305, 200.00** was used for the payment of media coverage and event advertising- Roadshows, website and radio talk shows.

Findings

- i. **Mwanedu Communications** confirmed to have held a 1(one) hour breakfast show and presenter mention but never received any payment as alleged as per the attached receipt of Kshs. 30,000.00
- ii. **Radio Tumaini 93.0 FM** confirmed to have held a 1 hour breakfast show and presenter mentioning for Kshs. 30,000.00 but no evidence of print nor audio to support the payment was availed.
- iii. **Star photography services** confirmed that they do hiring services for drones for Kshs. 15,000.00 per day, an officer from the County Government of Taita Taveta hired the drone for a day on 25th November, 2022 and paid a negotiable amount of Kshs. 8,000 through M-Pesa and not Kshs.50,000.00 as per the attached receipt.
- iv. **Wakio Technocrats and Chrissop Enterprise** both under the same Director. Denied to have received payments of Kshs. 30,000.00 for graphic designs and Kshs.50, 000.00 for Facebook and twitter (social media publicity) through a telephone conversation on the 7th of June, 2023.He

claimed to have written a statement with the EACC to that effect.

- v. **Gracious tents & sounds** denied to have received payment of Kshs. 60,000.00 for roadshow publicity. The receipt is suspected to be fake as the proprietor denounced it even to the EACC.
- vi. **Media Allowances- Kshs 25,200**

A sum of Kshs.25, 200.00 was paid as allowances to County communication officers while on official duty with regards to WWI event commemoration publicity. All the five officers confirmed to have received their payment to facilitate them while in Taveta however, work ticket and back to work report was not attached to the payment.

Recommendation

The Governor should follow up the EACC to finalize on the forgery case which amount to criminal culpability as the proprietors had written statements with the EACC.

6. Security

A sum of Kshs. 32,000.00 was used to pay security personnel allowances. However, the authenticity of the signatures are in doubt as no telephone number and officer's personal number were recorded in the payment schedule again the signed sheet appeared to have the same hand writing.

Recommendation

The amount paid to security personnel should be substantiated by the officer who paid them

7. Exhibitors And Participants Facilitation To Voi Catholic Road And Voi Wildlife Lodge

Mr. Fresheley Lucas Mwamburi confirmed to have received Kshs. 180,000.00 on 25th of November, 2022 for holding a live band during WWI event commemoration.

Recommendation

The selection criteria of only one performer should be availed for review.

8. Pre-Event Preparations Cost And Committee Allowance

The allowances paid are not supported with attendance lists and reports/minutes of the meetings held. There is no clear work plan of the event activities thus payment of allowances cannot be validated.

Recommendation:

The payment should be well supported and authenticated failure to which those who received the payments should be surcharged.

9. Conference Facilitation And Catering Services – Lunch And Dinner

A sum of Kshs. 1,052,460.00 was used for payment of Conference Facilitation and Catering Services- Lunch and Dinner to various Hotels within the County.

- i.* Kshs. 417,700.00 – Being payment for 999 Pilau take away, 500ml water and plastic soda to **Maghonyi Guest Hotel LTD.** However Maghonyi Guest Hotel LTD denied to have provided the service and that he did not received any payment with regard to the said event. No signed attendance lists for participants who took lunch were attached to the payment as such validity of the payment remains doubtful.
- ii.* Kshs. 210,000.00 – Being payment of dinner for 105 pax on 25th November, 2022 at **Voi Wildlife Lodge.** However a receipt of Kshs. 80,000.00 was attached to this payment but no attendance list of those who dined at the hotel was attached.
- iii.* Kshs. 251,000.00 – Being payment for full day conference facilitation and catering services on 25th November, 2022 at **Voi Wildlife Lodge.** However no signed attendance list of participants who attended the conference and a report to support the payment was availed to the committee for review.
- iv.* Kshs. 56,100.00 – Being payment to **Taita Hill Safari & SPA** on 26th November, 2022 through M-Pesa ref no: QKQ5PFKDST. There was no information as to what activity was paid for and no proof of participants who attended and a report to support the existence of a meeting.
- v.* Various lunch receipts belonging to **Treetops Eatery, Ushindi supa duka, The Joy Hotel and many cash sale** receipts amounting to Kshs.37, 600.00 have being attached for various dates. However no signed attendance list for those who took the lunches was availed or attached to the voucher as County officers who are outside on official duties are entitled to lunch allowances as per the human resource policy and procedure manual currently in place and not group (collective) lunch unless undertaking a group meeting in a specified hotel.

Recommendations

The officer responsible should support the payment of lunches with attendance list of authorised persons who took the lunch failure to which he/she should be surcharged for misapplication of public resources.

10. Officers allowances

WW I Commemoration committee members and secretariat were paid night out allowance totaling to Kshs 257,200 while attending meetings at the governor's boardroom-Mwatate contrary to financial regulations

which stipulates that night allowance is entitled to officers working outside duty station which is far with a radius of more than 42 kilometers. However, minutes of the meetings were also not availed.

Recommendation

The officers responsible should be reprimanded and surcharged for the allowance received contrary to the financial regulations.

Supplementary queries requested

Following the Summon on 27th June, 2023, the Committee further requested for the following additional information with regards to WW1 funds Utilization,

1. WW1 Committee minutes and Letters appointing members to the WW1 committee to be submitted by the Economic Advisor, Mr. Thomas Jumwa.
2. Guideline for appointment of officers in the office of the Governor and legal regulations governing the same and against their actual academic and professional qualification to be submitted by the Ag. Director County Human Resource- Mr. Joseph Kenyatta.

Mr Thomas Njumwa submitted the following minutes;

- i. Minutes of the County Government of Taita Taveta Research, Linkage & Investment Committee, held on 19th October, 2022 in Mwatate. However, no attendance lists were attached to the minutes.
- ii. Minutes of Investment Committee and the South African High Commissioner held on 27th October, 2022 at the South African High Commissioner's office, Nairobi,
- iii. Minutes of the Investment committee and the County Leadership held on 1st November, 2022 at the Governors' boardroom, Mwatate.
- iv. Minutes of the Investment Committee and the County Chief Officers held on 2nd November, 2022 at the Governors' boardroom, Mwatate.
- v. Minutes of the Investment Committee and the County Chief Officers, Directors and Advisors held on 9th November, 2022 at the Governors' boardroom, Mwatate. However, no attendance lists were attached to the minutes.
- vi. Minutes of the Investment Committee and the India Defense Advisor held on 11th November, 2022 at the Indian High Commissioner's offices, Nairobi. However, no attendance lists were

attached to the minutes.

- vii. Minutes of the County Executive and the High Commissioners of UK and the Deputy High Commissioner of India held on 25th November, 2022 at Voi Wildlife Lodge. However, no attendance lists were attached to the minutes.

Consequently,

- i. Mr. Njumwa did not submit Letters appointing members to the WW1 committee and his appointment letter to chair the Committee from H.E the Governor and minutes of the first meeting appointing committee secretariats.
- ii. The minutes submitted do not much with the previous submitted attendance lists.

The Ag. Director Human Resource submitted an advisory on Human Resource Management referenced **Ref TA/7/3(63)** dated 2nd September, 2013 and Job descriptions and specifications for selected County officers as the guideline/advisory for appointment of officers in the office of the Governor and legal regulations governing the same as follows;

“The transition Authority together with the Public Service Commission in consultation with the Council of Governors and the Salaries and Remuneration Commission approved the creation of a cadre of three (3) staff to be known as advisors to the office of the Governors and six support staff was approved for each Governor. It is *ultra vires* for these staff to issue directives of a binding nature unless they are communicating the Governor’s message (which information they must put in writing) or providing information to facilitate decision-making”

Job Descriptions and specifications for selected county officers in the of the Governor

The office of the Governor shall be staffed as follows;

1. Chief of Staff
2. Economics Advisor
3. Legal Advisor
4. Political Advisor
5. Director, Governor’s Press Service
6. Support Staff (Personal Assistant, Personal Secretary, Cook, Driver, Messenger and Gardener)

Requirements for appointment of officers in the office of the Governor visa vie their actual qualifications

NO	Designation	Requirements	Actual Qualifications	Observation/Findings
1.	Chief of Staff- Mr Phamphil Mwashinga	<ul style="list-style-type: none"> i. Be a Kenya Citizen ii. Be a holder of at least a first degree from a university recognized in Kenya iii. Have knowledge, experience and s distinguished career of not less than 10 years in administration and management, and iv. Satisfy the requirement of Chapter six of the Kenyan Constitution,2010 	Not submitted	<p>The position exist under the office of the Governor staff as per transitions authority advisory</p> <p>Ref. TA/7/3(63) of 2nd Sept 2013</p> <p>Consequently, the position is legally established.</p>
2.	Economic Advisor – Mr. Thomas Jumwa	<ul style="list-style-type: none"> i. Be a Kenya Citizen ii. Be a holder of at least a first degree from a university recognized in Kenya iii. Have knowledge, experience and s distinguished career of not less than 10 years in finance and economic planning, and iv. Satisfy the requirement of Chapter six of the Kenyan Constitution,2010 	<ul style="list-style-type: none"> i. He is a Kenyan Citizen ii. Holds a bachelor's degree in Business Administration from University of the People obtained in 2020. iii. Not accredited by CUE 	<p>The position exist under the office of the Governor staff as per transitions authority advisory</p> <p>Ref. TA/7/3(63) of 2nd Sept 2013</p> <p>Consequently, the position is legally established.</p> <p>However, the degree qualification of the officer has to be</p>

				accredited by the CUE.
3.	Legal Advisor	<ul style="list-style-type: none"> i. Be a Kenya Citizen ii. Be a holder of at least a first degree from a university recognized in Kenya iii. Have knowledge, experience and s distinguished career of not less than 10 years as a legal practitioner, and v. Satisfy the requirement of Chapter six of the Kenyan Constitution,2010 	Not submitted	<p>The position exist under the office of the Governor staff as per transitions authority advisory</p> <p>Ref. TA/7/3(63) of 2nd Sept 2013</p> <p>Consequently, the position is legally established but not filled</p>
4.	Political Advisor – Mr. Richard Lukindo	<ul style="list-style-type: none"> i. Be a Kenya Citizen ii. Be a holder of at least a first degree from a university recognized in Kenya iii. Have knowledge, experience and s distinguished career of not less than 10 years in political related field, and iv. Satisfy the requirement of Chapter six of the Kenyan Constitution,2010 	<ul style="list-style-type: none"> i. He is a Kenyan citizen ii. Holds Computer packages certificate from International Computer Driving License (ICDL) 	<p>The position exist under the office of the Governor staff as per transitions authority advisory</p> <p>Ref. TA/7/3(63) of 2nd Sept 2013</p> <p>Consequently, the position is legally established</p> <p>But the officer is not qualified to occupy the position.</p>
5.	Director, Governor's	<ul style="list-style-type: none"> i. Be a Kenya Citizen ii. Be a holder of at least 	<ul style="list-style-type: none"> i. She is a Kenyan Citizen 	The position exist under the office of the

<p>Press Service – Ms. Eunice Ndelejai</p>	<p>bachelor’s degree in any of the following disciplines; Mass Communication, Journalism, Public Relations, Corporate Communications, Communication Studies, Media Studies/Science or any other relevant and equivalent qualifications from a university recognized in Kenya</p> <p>iii. Have knowledge, experience and distinguished career of not less than 10 years in public communication, and</p> <p>iv. Satisfy the requirement of Chapter six of the Kenyan Constitution,2010</p>	<p>ii. Holds a Bachelor’s degree in mass communication from Islamic University in Uganda</p> <p>iii. Not accredited by CUE</p>	<p>Governor staff as per transitions authority advisory</p> <p>Ref. TA/7/3(63) of 2nd Sept 2013</p> <p>Consequently, the position is legally established</p> <p>However, the officer’s degree need to be accredited by CUE</p>
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Requirement for appointment of County Protocol Officer

NO	Designation	Requirements	Actual Qualifications	Comments
1.	Head of Protocol	<p>i. Be a Kenya Citizen</p> <p>ii. Be a holder of at least bachelor's degree in any of the following disciplines; Mass Communication, Journalism, Public Relations, Corporate Communications, Communication Studies, Media Studies/Science or any other relevant and equivalent qualifications from a university recognized in Kenya.</p> <p>iii. Have relevant knowledge, experience and s distinguished career of not less than 5 years in a senior position in the public/private sector.</p> <p>v. Satisfy the requirement of Chapter six of the Kenyan Constitution,2010</p>	Diploma in Public Relations and Corporate Communication	<p>The position is does not exist under the office of the governor staff as per transitions authority advisory</p> <p>Ref. TA/7/3(63) of 2nd Sept 2013 consequently, the position is in existence contrary to the above regulation.</p>

4.0: CHAPTER FOUR: GENERAL OBSERVATIONS, CONCLUSION AND RECOMMENDATIONS**4.1: COMMITTEE GENERAL OBSERVATIONS/FINDINGS**

The Committee, made the following observations/findings during its review on the utilization of WW1 Commemoration event funds as follows:

- i. The World War I (WWI) event was a noble idea since its conceptualization stage, however, some few individuals abused their powers during the planning and execution for their selfish interest against the public good and the benefits accruing thereafter.
- ii. The relevant department failed to take the lead role and left it to the Economic advisor to spear head the WW1 event which lead to mismanagement of the WWI funds.
- iii. Minutes availed show various individuals attending meetings within the county and outside the county who were not members of the committee tasked to spear head the WWI activities thereby defeating the purpose of forming a committee.
- iv. There was no approved work plan and scope of work availed to corroborate the activities undertaken.
- v. The little work done was executed by few individuals who procured goods and service in cash, through Mpesa and bank transfer Contrary to Section 107 of Public Procurement and Disposal Act 2015 and its Regulation 2020 which has pegged the procurement of goods and service at a maximum threshold of Kshs 50, 000.
- vi. It was further noted that, the four officers who were sent on compulsory leave by H.E the Governor played an active role or influenced most of the decisions revolving around the execution of the WW1 event as they were in attendance in various meetings and were adversely mentioned in the public domain.
- vii. The County suffered financial loss to the tune of the Kshs. 4,048,337 as no value for money was achieved, Public financial procedures were deliberately violated by those who were directly involved in the execution of the event according to the documents reviewed which shows that Mr Thomas Jumwa was in receipt of ksh 2,100,000 imprest which he took and Kshs 900,000 transferred to him by Cosmas Mrombo and kshs.782, 340 transferred by Gidnora Nyambu. The very act of issuing imprest to the economic advisor was not within law as the economic advisor does not fall in the category of County Staff who can take out imprest him being a personal staff to the Governor and the fact that all County activities are already domiciled in a particular department.

- viii. Cases of forgery and misappropriation of public funds were clearly manifested in various receipts and invoices purported to support the expenditures of the event. Consequently the validity and authenticity of the expenditure amounting to Kshs 4,048,337 for the WW1 event is in doubt.
- ix. It was further observed that the imprest were not surrendered in accordance with the Public finance management Act 2012 and its Regulation 2015
- x. Upon further information requested it was noted that the appointing authority did not consider the bear minimum requirement of a degree in appointing the political advisor who has International Computer driving license as the highest academic qualification and the position of Head of protocol does not exist in the establishment of officer in the office of the Governor and does not have a degree to qualify for Job group R where he is currently placed.
- xi. On the other side the Economic advisor and the Director Governor's press service degree are from outside Kenya and are not supported by a letter of accreditation from Commission of university education (CUE).
- xii. Emanating from the above therefore, it is evident that all the other advisors appointed by the Governor are contrary to the transition advisory on office of the Governor staff as per Ref: TA/7/3(63) of 2nd Sept 2013.

4.2: COMMITTEE CONCLUSION

The involvement of Governor's advisors in the preparation and delivery of the World War One (WW1) commemoration event was irregular and not within the County Government Administrative structures and the expenditure on the World War One (WW1) event of the year 2022 was marred with irregularities.


4.3: COMMITTEE RECOMMENDATIONS

The Committee on Tourism recommends **THAT**;

General Recommendations:

- i. Mr. Thomas Jumwa the Economic Advisor and other advisors played a critical role in influencing most of the decisions in the planning and execution of the event due to the nature of their positions as they were directly involved in paying for the good and services in cash, Mpesa and personal Bank transfer contrary to Financial regulations and Section 107 of the Public Procurement and disposal Act, 2015 and its Regulation 2020 as such, he should forthwith, be suspended to pave way for the conclusion of corruption investigation currently being undertaken by the EACC as well as verification of his academic credentials by the Commission for University Education by the County Secretary within 21 days. In the event that Mr. Thomas

- Njumwa's qualification is invalidated the Governor **MUST** vacate his appointment within 5 days after the lapse of the initial 21 days.
- ii. The County Secretary to verify the qualifications of Ms. Eunice Ndelejai Mchikirwa with the Commission for University Education by the County Secretary within 21 days. In the event that Ms. Eunice Ndelejai Mchikirwa's qualification is invalidated the Governor **MUST** vacate her appointment within 5 days after the lapse of the initial 21 days.
 - iii. Those who will be found culpable by the EACC should be punishable in accordance with the law and striped off their responsibilities by the appointing authority.
 - iv. The Governor should urgently undertake administrative action against the whole committee tasked to spear head the WWI as they failed to take their responsibility serious leading to mismanagement of public funds with a view of preventing the same happening in future.
 - v. The Head of finance should ensure compliance of the PFM Act, 2012 and the Public Procurement and Disposal Act, 2015 in the execution of various activities within the County to avoid misuse of public resources as imprests issued for the WW1 event amounting to Ksh. 4,048,337 has not been surrendered as at the time of committee review by the concerned imprest holders contrary to the PFM Act, 2012 and its Regulations 2015.
 - vi. The Governor **MUST** forthwith vacate the irregular appointment of the political advisor Mr. Richard Lukindo and chief of protocol Mr. Philemon Mwambingu who do not have the minimum requirement for appointment to the positions they are currently holding.
 - vii. The positions of other Governors' advisors being Mr. Frank Jumapili Mmare Advisor Water, Hygiene, Sanitation and Health, Mr. Jason Tuja Mwamodenyi - Advisor Cohesion, Peace Building and Conflict Resolution, Mr. Jeremiah Kiwoi - Advisor Lands and Governance, Mr. William Lay - Advisor Blue Economy and Investment and Ms. Jeniffer Dali Makenga – Advisor, Women, Gender and Social Services which are outside the set establishment are hereby declared null and void as they are not established by the transition authority advisory no. Ref. TA/7/3(63) of 2nd September 2013, as they have further ballooned the wage bill which is way above the 35% of the total resource envelop required by Public Finance Management Act 2012 and as such **MUST** be vacated.

SIGNATURE:.....DATE 18/7/2023

HON. LILIAN MWANGOI, MCA/CHAIRPERSON

COMMITTEE ON TOURISM

ADOPTION OF THE COMMITTEE OF REPORT

This Committee report was adopted by the following Members on... 18/7/2023

NAME OF MEMBER

SIGNATURE

1. Hon. Lillian Mwangoi, MCA, Chairperson


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2. Hon. Rose Sariki, MCA, Vice-Chairperson


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3. Hon. Margaret Kawuki, MCA, Member


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4. Hon. Azhar Din, MCA, Member


.....

5. Hon. Jimmy Mwamidi, MCA, Member


.....

Hon. Daniel Kimuyu, MCA, Member


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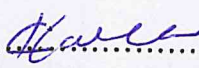
7. Hon. Peter Shambi, MCA, Member


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8. Hon. Jones Solomon, MCA, Member


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9. Hon. Constance Mwandawiro, MCA, Member


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